

Entered -05-08-01 - sb  
CL 00L0294 - GWENDOLYN BURNS


CLAIM OF:

J. WESLEY DANIELS  
P.O. Box 77065  
Atlanta, Georgia 30357

01- *R* -1408

For damages alleged to have been sustained when the City failed to obtain an easement to excavate a sewer line between February, 2001 and April 2001 at Cairo Street, NW Parcel (14-114-5-21).

THIS ADVERSED REPORT IS  
APPROVED

BY:   
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0294

Date: August 24, 2001

Claimant /Victim J. WESLEY DANIELS  
BY: (Atty) (Ins. Co.) \_\_\_\_\_  
Address: P.O. Box 77065, Atlanta, Georgia 30357  
Subrogation: \_\_\_\_\_ Claim for Property damage \$ 2,000.00 Bodily Injury \$ \_\_\_\_\_  
Date of Notice: 5/8/01 Method: Written, Proper X Improper \_\_\_\_\_  
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X  
Date of Occurrence 2/01 - 4/01 Place: Cairo Street, NW Parcel (14-114-5-21)  
Department PUBLIC WORKS Division Technical Services  
Employee involved \_\_\_\_\_ Disciplinary Action: \_\_\_\_\_

NATURE OF CLAIM: The claimant alleges that he sustained property damage by the City when it trespassed to replace a sewer line by entering the claimants' property without the claimants' consent. However, an investigation determined that the an easement to access the sewer line was obtained by the City in 1910 prior to claimant's ownership of the property.

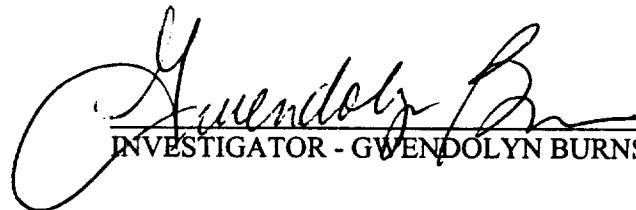
INVESTIGATION:

Statements: City employee X Claimant \_\_\_\_\_ Others \_\_\_\_\_ Written \_\_\_\_\_ Oral X  
Pictures \_\_\_\_\_ Diagrams \_\_\_\_\_ Reports: Police \_\_\_\_\_ Dept Report X Other X  
Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_  
Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial \_\_\_\_\_  
Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other X Damages reasonable \_\_\_\_\_  
City not involved \_\_\_\_\_ Offer rejected \_\_\_\_\_ Compromise settlement \_\_\_\_\_  
Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_  
Claimant Negligent \_\_\_\_\_ City Negligent \_\_\_\_\_ Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,

  
INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ \_\_\_\_\_ Adverse X Account charged: 1A01 \_\_\_\_\_ 2J01 \_\_\_\_\_ 2H01 \_\_\_\_\_  
Claims Manager:  Concur/date 08-27-01  
Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

BURNS  
05/08/01

COUNCIL OF THE CITY OF ATLANTA  
CLERK OF COUNCIL  
City Hall  
68 Mitchell Street, S.W.  
Atlanta, GA 30335

RE: CLAIM FOR DAMAGES

TODAY'S DATE: 4/20/01

Dear Sir:

This is to notify the City of Atlanta that I have suffered damages in the sum of \$ 2000 property and/or \$ N/A bodily injury for which I contend the City is liable.

ENTERED - 5-8-01 - SB

1. Date of incident: FEB - APRIL 2001 2. Police called 0110294 - GREN BURNS  
(month day year) (yes) (NO)

3. Location of incident: LARO STREET NW (4-14-9-21)

4. Name of your insurance company N/A Policy #

5. State what and how incident occurred: TEMPORARY CONSTRUCTION

EASEMENT WAS NOT OBTAINED FOR THE STORAGE OF EQUIPMENT AND SUPPLIES FOR A 3 MONTH PERIOD. (SEE ATTACHED LETTER)  
(use other side if necessary)

6. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE STATEMENTS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

7. The registered owner must make the claim for vehicle damages. Complete the following and attached two (2) estimates of repair.

Your vehicle: \_\_\_\_\_  
(make) (year) (tag#) (driver's name)

City vehicle: \_\_\_\_\_  
(make) (driver's name) (department)

8. Witness: MILES MCCULLOUGH, CITY OF ATLANTA / PUBLIC WORK / ENGINEERING  
(name) (address) (phone)

9. The acknowledgment of this claim in no way waives the Governmental Immunity of the City of Atlanta, as granted by State Law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT!

10. THIS CLAIM SHOULD BE MAILED IMMEDIATELY TO THE ADDRESS SHOWN ABOVE

J. WESLEY DANIELS 4. DYNASTY  
(claimant)  
PO BOX 11065  
(address)  
ATLANTA, GA 30357  
(city) (state) (zip)  
(404) 756-9060  
(home) (phone) (work)